

Town of Spring Lake
Regular Meeting of the Board of Aldermen
Municipal Building
300 Ruth Street
Spring Lake, NC 28390

October 12, 2009

MINUTES

7:00 p.m.

The Spring Lake Board of Aldermen held a regular scheduled meeting in the Grady Howard Conference Room of the Spring Lake Municipal Building with Mayor Ethel T. Clark presiding.

Board Members Present: Mayor Pro Tem James O'Garra
Alderman Richard Higgins
Alderman Napoleon Hogans
Alderwoman Nellie McCoy
Alderwoman Fredricka Sutherland

Others Present:

Allen Coats, Interim Town Manager
Daniel Gerald, Water Resources Director
Gregg Jarvies, Interim Police Chief
Ken Metcalf, Recreation and Parks Director

John Jackson, Town Attorney
Robert Doberstein, Fire Chief
Tina West, Interim Finance Director
Tom Spinks, Planning Director

2. Invocation.

Mayor Pro Tem O'Garra gave the Invocation.

3. Pledge of Allegiance.

Mayor Clark led the meeting in the pledge of allegiance.

4. Additions or Deletions to Agenda

None.

5. Approval of Agenda and Consent Items.

Alderman Hogans wanted to recommend moving item 5d. October 26, 2009 Board Meeting Schedule to New Business.

Mayor Pro Tem O'Garra asked that item 5e. be moved to New Business for further discussion.

The Board approved the agenda as amended and approved the consent items: Minutes of the September 28, 2009 and October 5, 2009 Regular Board Meetings and Halloween Hours Approval.

Action: The Board approved the agenda as amended and the consent items.

Motion by: Alderman Higgins

Second by: Mayor Pro Tem O'Garra

Vote: Unanimous

(A copy of the agenda and minutes of the September 28, 2009, October 5, 2009 Regular Board Meetings and Halloween Hours Approval are hereby incorporated by reference and made a part of these minutes – see attachment one.)

6. Public Forum

Mr. James Christian, 709 Regina Drive. Mostly Comments on Police patrol. Putting the Police back on the street Judge Keever and DA. Board Supports putting the Police back on the street and the Police Patrol. We have struggled after set back after setback. I am talking about the killing at the Doughnut Connection and the Mandrian Wok and Lord knows how many break ins and traffic accidents and unreported crimes and in truth as a community we have had to overcome a lot of obstacles. To despite all this, our police cars just sit idle right now. Our officers train day after day for a starting date that seems kind of distant. I know a lot of citizens have a lot of doubt in their heart about when they are going to go back on patrol. So tonight, I am not asking all these questions as a candidate running for Aldermen but as a concerned citizen because I have talked to a lot of my neighbors about this as well. I want to ask when we will get out police force back. Maybe Chief Jarvies will address that. We have sort of a soft date. I understand that it will probably be early November but I am just wondering is that going to be pushed back to December or January I don't really know. So I am asking tonight when our Police Force will be back and I would like to see this happen first. It can't come back because of a lack of training because our officers have had 1100 hours of training; it can't be because of the Police Chief because we do have an Interim and we do have a plan in place when he does move on to other things to have someone step in temporarily. And I would really like to know when we are going to have our Police Chief because we did have a resident input forum and we just had one for the Town Manager and we are already interviewing for that. And I am wondering if we do not have them on the streets if it is because of the qualifications of the officers. I cant see that and correct me if I am wrong but in neighboring communities, Hope Mills, Raeford, has a lot of our former officers, holding leadership positions and they are on patrolling, jobs without questions about their qualifications. So basically what I am trying to say is with the SBI investigation complete, background checks pretty much complete, it is time to get the show on the road; we get our officers on the street. I would really like to support that. I am not talking maybe in November, maybe in December. I am not talking about in January. We should have them back on the streets November 1st. That is all I really wanted to say. Kick the tires and light the fires. Let our officers do their jobs and let them serve.

Ms. Tammy Stephens, 427 Wapidi Dr. I come before you tonight with questions regarding our Police Department. If our officers are going back on the road tentatively by November 15, then don't we need our dispatchers here in Spring Lake? If I am correct, they have the possibility of loosing their jobs after 90 days. I am confused as to why we are sending them to Cumberland County – the only Town to do so. I would like

to ask you to keep them here. Yes it would be cheaper to contract out every department but I pray to see our Town as a whole again. I do like Fayetteville but wish to keep every part of us here and truly work for true unity and the goal of prosperity. I spoke to three people when I called about an accident and the response time frightens me. Secondly, I find it disheartening that around eight officers who left our department work within Cumberland County, six of them have higher paying supervising positions that they didn't have here. They all work under Grannis with less training. I would like to see November 15 happen to truly move forward in Spring Lake and give our officers a chance. I would also like you to consider hiring officers before spending large amounts on the Police Department to show the progress we are making to move forwards towards a greater Spring Lake.

Don Williams, Chief Professional Officer for the Boys and Girls Club of Cumberland County. For last couple of months I have been talking with Ken Metcalf who is the Director of the Spring Lake Parks and Recreation about bringing the Boys and Girls Club to the Town of Spring Lake. We would start the program in January after the Christmas break and this would give the kids something to do every day, Monday through Friday from 2:00 – 6:00 and would hopefully curtail the crime in this Town. We would be able to work with these kids and be a positive influence on their life as they grow older and they can seek other things in their life other than being idle. This program comes at no cost to the Town or the Parks and Rec Department. We fund the staff and so forth; all we need is the space. It is my understanding that a couple years ago, there was a program at one of the schools and due to the mismanagement, the prior director there that program there was shut down. I have been with the Cumberland County Boys and Girls Club the past two years and the Board and myself would like to outreach into this community because we are trying to serve more kids. We are ready now, we have built the infrastructure whereas we can serve these kids. We are looking to start up with 60-70 kids on a daily basis.

7. Presentations

a. Police Department Communications and Radio Technology.

Chief Gregg Jarvies presented to Board a request and recommendation to support the purchase of approximately \$300,000 worth of radio communication and voice and data communication equipment. The recommendation has two main components.

The first is VIPER. It is a state wide radio program. It is supported by antennas that are placed on major highways and interstates around NC. It is the newest of technology compatible with our Fire Department. In May of 2010 Cumberland County 911 will switch over to VIPER we will begin being dispatched by Cumberland County 911 on November 1st. We must be compatible with radio communications by the time May rolls around we have had significant communications with Kenny Curry the Director. Our hope is to have it to piggy back off of their purchase to reduce the cost if possible. One grant which we have looked into, we have been granted, federal grant, \$39,000 and some odd dollars, requested that funding that we be allowed to put that funding towards the purchase of radios to get us on the VIPER network. We use an 800 megahertz network though it was state of the art 10 years ago it is not as much now; we

have dead zones where officers cannot communicate with their dispatchers or with each other so we have an officer safety issue. VIPER has been proven even in high rise building even with those with a lot of steel break through for communication purposes. Probably most importantly it makes us a better regional partner. If there is a multi-incident, accident, storm or whatever it may be we will be able to communicate with the fire department, regional law enforcement something we cannot do with our current system. If the Board were to approve the recommendation and allow the manager to proceed to put out RFPs, it will take a couple of months to get them here, get them programmed, get the officers comfortable but we will be ready for May 1 which is the timeline for Cumberland County 911.

The second component is to change our software that will be much more compatible not only with Fayetteville 911 and Sheriff's Department but with many major cities and several small ones across the state. This is an OSSI software program – a public safety software program. It has many modules that can be purchased. My recommendation is to purchase three basic modules which will allow records management within the department, data sharing from the cars. For example, if a dispatcher is looking at a map to see where officers may be located anyone in the car with the same capability with OSSI software can bring up the same map. There is not an interactive function but they can see what the dispatchers see. Allow us to share warrant information, allow officers to pull up mug shots, records management, we will be working day shift for awhile while the Sheriff will be working nights. Right now, reports will be turned over to us, it is all paper copies. If we are linked through OSSI, we will be able to transmit it at a moments notice. It is a data software system that is changing and constantly growing we can tie into the license currently in the hands of Cumberland County.

VIPER has been provided by the state of NC. OSSI is \$140K to \$150K. it is large commitment. A stand alone system without tying into Cumberland County would cost us almost double. It is a big commitment but it is a commitment to safety, a commitment to have better records and a commitment to be a better regional partner.

Alderwoman Sutherland stated that it is cutting edge. And we owe it to the citizens that the Police Officers have the equipment to better protect and serve the citizens of Spring Lake and to make sure the businesses are protected. To read this and realize that it is dangerous in the area of Spring Lake safety hazardous I think by going over this that we are eventually going to have to get it changed over anyway and if we are going to put these officers on the streets I think we are going to have best equipment possible for them to do their jobs to make sure the citizens are protected. And if this is what we need to do, I feel as a Board Member we should get this equipment for the Town of Spring Lake. Also looking at the grant received, the \$39,000 can go towards the \$300,000 needed?

Chief Jarvies stated the grant was originally adopted for a Community needs assessment. We feel at this time, with Cumberland County 911 VIPER and Dispatchers moving to Cumberland County, that it be more appropriate so we have resubmitted it. The Feds have it and we are waiting to hear if they will approve it. Don't think we will

have a problem.

Alderman Sutherland stated that leaves \$261,000 and that means there will have to be other avenues we can take to get the money.

Chief Jarvies stated he has been working with Congressman Etheridge, folks on the BRAC commission, if we do end up purchasing the equipment we can piggy back on contracts which typically reduces the cost which could be up to 30%.

Alderman Sutherland stated in the documentation provided that there could actually be a savings. She asked Chief Jarvies if he knew what kind of savings there would be.

Chief Jarvies responded that the actual cost of radios would be up front. The old radios would be obsolete in the next few years. So the savings will come when we have to transition to better equipment. The key is to get it now and hopefully tie into Cumberland County to lessen the cost and the fact that we have the infrastructure in place so it is just a matter now of getting the equipment. Cumberland County has the license and we would operate under their license. This saves us money rather than us starting up our own.

Alderman Sutherland wanted clarification on Ms. Stephens concerns about the dispatchers moving to Cumberland County. Chief Jarvies Stated that one of the dispatchers moving to Cumberland county from the Town was pleased. She will see an increase in benefits, technology and communication systems far beyond what the Town could provide. She was comfortable going over. All the dispatchers are keeping their seniority, they will get paid at least what a starting dispatcher is paid or a pay increase, they will keep their benefits and their vacation time.

Mayor Clark asked Chief Jarvies to clarify Ms. Stephens statement about the dispatchers being on a 90 day probation. He stated that a typical hiring environment would have a probation period but to his knowledge the contract does not call for such a period. The dispatchers go over to the County with seniority. They will be treated as though they were county employees as long as they worked for the Town. The dispatchers have already trained with 911, County knows who is coming over, they know their qualifications, it should not be a problem.

Alderman McCoy asked if any of this would have an effect when the Police Force would be back on the street. Is this just a way to get them into the 21st century? Is it an Amber Alert system?

Chief Jarvies said it would not. Time to get the contracts and purchasing procedures. It will take time to get it all in place. It will probably take 60- 90 days. The goal is to get it done before Cumberland County switches over which is the first of May. This in no way affects the Officer's ability to go back on the street. It is a radio system. OSSI is a software system that keeps officers on the street longer. Allows them to communicate mobile to mobile, with regional partners, immediate reports, access to records, warrants, communicate with about 120 jurisdictions in the state.

Alderwoman Sutherland would like to see the officers on the street by November 1. But you said it might be by November 9.

Chief Jarvies responded that it is not his recommended November 10. He does not recommend putting them back on the streets the same day the dispatchers start at the county on the first. Waiting on DCI certification; we hope to have that back this week. We have the background investigation will start Thursday and that will take approximately 15 days and try to get those done by November 5th. November 10 is the following Tuesday. November 9th to have a ceremony to introduce the new Spring Lake Police department. My responsibility when I came here was to get them to get back on the street and though maybe I didn't need to, convince the citizens and court officials that these officers are good officers. There have been some road blocks, took us 60 days to get our files in shape, we are getting a clean bill of health on that, they had to go back and do things they did when they were hired but we couldn't find the records or the records were lost. Barring anything unseen, these officers will be ready to go back on the road November 10. Will they be back on the street that is not a call I can make. My job is to get them ready. Two of them are ready now. November 9th at the Board meeting I will announce to you they are ready to go. Then it falls into the issue of access to the magistrate. If we do not have access to the magistrate by then, that is a decision the Board will have to make with guidance from the attorney. Without access to the magistrate, officers cannot issue citations, make arrests, puts them in a severe liability situation, puts them out there with all the power they should have as a police officer with now power with our local judicial system. There is nothing further they can do more than they have done.

Alderwoman Sutherland thanked Chief Jarvies for the job he has done. As Board members we have done what we said we would do to keep our officers and keep them on payroll. I would like to see them back on the streets.

Mayor Pro Tem O'Garra requested a list of vehicles eligible for the VIPERS. Sure we have some with high mileage and some with low mileage. General idea of how many vehicles on hand that we can put this equipment in. This is a high bill. Was hoping we could two more than officers, possibly not everyone a car. Hoping to get information on these things and read up on this.

Chief Jarvies said there were other options. Some agencies that could afford all mobile units that were affixed to the dash of the car, officers used hand mobiles. There were some issues with charging and batteries. But by the time we get these in it will be January and hopefully we will have hired ten more officers and in April we hope to have twenty cars rolling. We may have to mix and match. We can get numbers to you and different options. Fire Chief was able to purchase walkies through a FEMA grant for 30% of what was quoted. So there are other vendors out there. We haven't really looked at serious quotes.

Interim Manager Coats clarified that what Chief Jarvies is looking for is the Boards

blessing to move forward to get that additional information and bring it back to the Board to include dollar amount and car situation.

Mayor Clark asked Chief Jarvies if there was anything else in regards to hiring the new Chief or in the department.

Chief Jarvies reported that the department has done just about everything they said they were going to do in the plan adopted on July 13. They have started the hiring process for new officers. The hiring process for a new chief has begun. DCI certifications will be back this week. Training and Standards has cleared the department of the missing records, we have hit 2000 hours of training, two backgrounds have been completed, the other seven will start Thursday. We have done more than we said we would do. They will be vetted more than any law enforcement in this County. My job is to tell you they are ready to hit the street. I will meet with the DA, Judge and Sherriff separately. We need magistrate access. Any citizen can go to the magistrate but our officers cannot. We will all meet and talk about issues.

Alderman Hogans stated he did not want it left with the perception that we were left hanging as far as having access to warrants. We know the Chief District Court Judge did not commit to but she did bless your plan. If we move forward step by step and show commitment I am thinking we will get access to the magistrate. We do not want to leave the impression here that we are flying in the dark. We do have a plan.

Action: The Board authorized the Manager to initiate the purchase and implementation of voice and data communication system for the Police Department.

Motion by: Alderwoman Sutherland

Second by: Alderman Higgins

Vote: Unanimous

8. New Business

a. October 26, 2009 Board Meeting Schedule.

Mayor Clark explained that she would be out of Town and Alderman Higgins would also be absent. There was some discussion by the Board members as to the proper procedure and if a true need to cancel the meeting existed. Having not heard any motion to do otherwise, the meeting will remain as scheduled.

b. Resolution, Economic Development Committee Support.

Alderwoman Sutherland would like to thank the Chamber and the businesses. It is a positive for the community.

Action: The Board adopted Resoution, Economic Committee Support

Motion by: Alderman Higgins

Second by: Alderwoman Sutherland

Vote: Unanimous

(A copy of the Resolution is hereby incorporated by reference and made a part of these minutes – see attachment two.)

c. Resolution, Easement Dedication, Smith Family.

Tom Spinks, Planning Director, presented the Board with the Smith's family Easement. On March 2009 directed the Smith family to work with the staff to draft the easement. It meets all the requirements for a 60 foot easement and there is a Resolution. John Jackson, Town Attorney added he reviewed it and recommended that it dedicated to the Public for ingress, regress and egress as utilities easements. Anybody, the public or budding landowner, could use that reserve the right to require streets or easements that would have to be in compliance with utility ordinance. It would be a public easement. I have prepared a draft of this.

Action: The Board approved the resolution as written and dedicate the resolution to the public to include the Smiths.

Motion by: Alderman Hogans

Second by: Alderwoman Sutherland

Vote: Unanimous

(A copy of the Resolution is hereby incorporated by reference and made a part of these minutes – see attachment three.)

d. Case #09-104, Stone Gate Site Plan Approval.

Tom Spinks, Planning Director, presented the Board with Case # 09-104, Stone Gate Site Approval Plan. This is a group development and subdivision review. The development consists of 264 apartments on 20 acres. The Plan Review Committee and plans meet all Town's requirements. The Plan Committee recommends approval.

Action: The Board approved Case #09-104, Stone Gate Site Plan with the exception of 1A

Motion by: Mayor Pro Tem O'Garra

Second by: Alderman Hogans

Vote: Unanimous

e. Budget Amendment BOA2010.7, Police Department.

Tina West, Interim Finance Director, brought before the Board Budget Amendment BOA2010.7 regarding an officer who was in an accident. There was an insurance claim for it and we need to recognize the revenues and increase the Police Departments expenditures account to make the repairs to that vehicle.

Action: The Board approved Budget Amendment BOA2010.7 Police Department

Motion by: Alderman Hogans

Second by: Alderman Higgins

Vote: Unanimous

f. Budget Amendment BOA2010.8, Public Transportation.

Tina West, Interim Finance Director, brought before the Board Budget Amendment BOA2010.8 coming from the last Board meeting where the Board voted to extend the contract with FAST to March 2010. This will put sufficient funds in the budget to cover those costs. We are recommending this money come from Fund balance because the State has withheld some of our revenues and do not foresee significant increases in our sales tax revenues.

Action: The Board approved Budget Amendment BOA2010.8 Public Transportation

Motion by: Alderwoman Sutherland

Second by: Alderwoman McCoy

Vote: Unanimous

g. Resolution, Interlocal Agreement, Cumberland County and Spring Lake 911 Dispatch.

Allen Coats, Interim Town Manager, explained to the Board that the agreement with Cumberland County will save the Town approximately \$26,000 in what it cost to operate our dispatch functions last year. That is just in salaries alone. It does not include the equipment we would have to replace. Cumberland County has e-911 tax that we do not have access to. All three of the dispatchers will go to work for Cumberland County and Chief Jarvies has previously mentioned the benefits to this.

Alderwoman Sutherland noted that this was a win win for the dispatchers and for the town.

Attorney John Jackson pointed out the new law that has come into effect regarding 911 primary service to attempt to consolidate into more regionalized locations for dispatchers. He is going to St. Paul tomorrow to talk about that. This is not something that won't ultimately come whether you do it now or later. They are just going to cut out the grant money.

Alderman Higgins stated that the \$26,000 savings could be used for the equipment for the Town.

Action: The Board approved Resolution, Interlocal Agreement, Cumberland County and Spring Lake 911 Dispatch

Motion by: Alderman Higgins

Second by: Alderwoman Sutherland

Vote: Unanimous

h. Resolution, Boys and Girls Club Agreement.

Ken Metcalf, Recreation and Parks Director, proposed a resolution for an agreement with the Boys and Girls club of Cumberland County that would expand their services into Spring Lake for ages 5-18. It would be an after school program. Recommend that you

approve.

Action: The Board approved Resolution, Boys and Girls Club Agreement

Motion by: Mayor Pro Tem O'Garra

Second by: Alderman Hogans

Vote: Unanimous

9. Board and Staff Comments :

Alderman McCoy

- Glad to see everyone here.
- Hope you will continue to come to the Board meetings.
- The Smith Family – glad your situation has been resolved.
- It is not easy sitting up here. And when you buzz in and no one pays you any attention, it makes you feel real bad. I do know what is going on. I read these thoroughly. It is not that I am just sitting here looking.

Thank you all for coming.

Alderman Hogans

- Asked a question regarding the SBI investigation.
- Wanted to be clear and make the motion that we go back on the streets with the Police Department given that Judge Keever is person of her word and we stay on track. If we show commitment because the initial plan we approved was blessed, so I am committed to putting our officers back on the street.

Alderwoman Sutherland

- I wanted to thank everyone for coming.
- I called down to the election board to speak with someone and they directed me to the Town and I talked to Tom about the signs. There is a certain size that the Town can have up. I think we need to be aware of that.
- Tampering with signs is against the law. The good citizen that I am, if I see someone's sign down, I pick that sign up. My signs have been moved from Wal-Mart entry and I was one of the first ones to put them up and I worked hard to get them up. Meanwhile I have worked to replace that sign. Other signs have been stomped on, twisted with the wire, of course, I replaced that also. On Ruth Street, there was an incident of the same thing. I spoke with the Chief and he said he was going to speak with the Sheriff Dept. to let make them aware of different people tampering with signs. I spoke with Mayor Clark and she said in the past we've never experienced this before. As a candidate running for re-election, I consider myself being a fair candidate to run this race. I respect others and I expect others to respect me. Again, it is against the law to tamper with anyone's signs. We do have an ordinance regarding the size the signs should be. If it is going to cause a hazard with traffic to someone for being to large we need to check our ordinance because it is against the law. I would like you all to respect my signs and I will continue to respect yours because I have worked hard to get out there and get those signs up and they do cost money.
- By experience I have always been neighborly even if I was in a grocery store or in

my neighborhood, we had our community watch, we had an officer come out they came out to speak about our community, a lot of time if you are being neighborly and not being rude if they see something happen in your neighborhood or they see something happen to your property they will tell you. But if they are upset with you but if you are not they will just turn their head and keep going. We need to try to be neighborly to one another. We need to try to respect one another. If we watch out for one another then when our police officers get back out on the streets we can kind of help them out. If we are not watching out for one another then people see that it causes people to want to vandalize and steal.

- Thank you all for coming
- Keep up the good work Spring Lake Officers. You have been patient. I hope you realize as Board Members we have tried to do what we needed to do to keep you.

Alderman Higgins

- Welcome everyone tonite.
- Good to see Town Employees. We appreciate all you do.

Mayor Pro Tem O'Garra

- Police Department – looks like you are going in the right direction. You do get out there. When you do, don't forget the people who are rooting for you and cheering for you. I know you might have to give them a ticket but it might be a good thing to say, hey, it's a warning this time. You remember when you were down. Remember the ones who supported you. I know you are going through a lot but they are the one who have been on your side. I am not telling you to break the law. But I am going to say there are way to police these neighborhoods as friends rather than go out there and make enemies. I know you guys have been chained up for awhile. You are raring to go.
- Smith family – thank you for coming back. We are glad to help you; accommodate you.
- Fire Department – One entities we still own. Thank you fire department
- Boys and Girls – Ken you know where I stand on that. Kids all the way.
- Chief – I would like a list on what things cost. We bump heads but...

Allen Coats

- Board did take action for residents to restrict their trick or treat hours to 5:00 – 8:00 pm on Saturday. Sheriff intesify their patrols.

John Jackson

- Great to be here.
- Especially now that he just turned 70.

Mayor Clark

- Thank everyone for coming.
- Add to what Mayor Pro Tem said. Looking at a second Fire Department for the Town.
- There will be a candidates form sponsored by the Chamber at 6:00 pm at FTCC

Tuesday night.

10. Adjournment.

Action: There being no further business to come before the Board, the meeting was adjourned at 8:36 p.m.

Motion: Alderman Hogans

Second by: Mayor Pro Tem O'Garra

Vote: Unanimous

Carrie H. DeGarmo
Assistant to the Town Clerk

ATTEST:

Ethel T. Clark
Mayor